

REMARKS

This application has been reviewed in light of the Office Action dated September 25, 2006. A Replacement Sheet for FIG. 4 is attached herein. Claims 1 – 3 and 5 - 18 are pending in the application. Claims 1 – 3 and 5 have been amended in a manner that Applicant believes overcomes the rejection in the Office Action. Support for the amendments can be found throughout the specification and figures of the present disclosure and recite aspects of the disclosure that Applicant is believed to be entitled. Claims 6 – 18 have been added. Applicant submits that no new matter or issues are introduced by the amendments or the new claims.

Objection under 35 C.F.R. § 1.84(p)(5)

The Examiner objected to the drawings as failing to comply with 37 CFR § 1.84(p)(5) for not including the reference sign 23 mentioned in line 33 on page 3 of the description. The drawing of FIG. 4 has been amended, is attached to this Amendment and Response, and is labeled “Replacement Sheet”.

As can be seen by the Replacement Sheet, FIG. 4 now has a reference sign 23. FIG. 5 is also on the Replacement Sheet but remains in its original form. Applicant respectfully requests that this objection be withdrawn.

Rejections under 35 U.S.C. § 102(b)

Claims 1 – 3 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5,661,557 to Da Silva et al. (hereinafter referred to as “Da Silva”).

In the Office Action, the Examiner asserts that Claims 4 and 5 of the present application “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” *See* Page 3, Lines 20 – 22 of the Office Action. The Examiner has found that as to dependent Claim 4, “the prior art of record, taken alone or in combination, fails to disclose or render obvious a Raman spectrometry apparatus wherein the means of selection of the Raman energy includable an operatable micro-mirror reflective system,

in combination with the rest of the limitations of the claim.” *See* Page 4, lines 1 – 4 of the Office Action. The Examiner also finds that as to dependent Claim 5, “the prior art of record, taken alone or in combination, fails to disclose or render obvious a Raman spectrometry comprising means for sampling a portion of the beam of excitation... in combination with the rest of the limitations of the claim.” *See* Page 4, Lines 5 – 9 of the Office Action.

Claim 1 has been amended to include the allowable subject matter of Claim 4, which has herein been cancelled. Claim 5 is now dependent from independent Claim 1, which includes the allowable subject matter of cancelled Claim 4. Therefore, Claims 1 – 3 and 5 are now in condition for allowance. Applicant respectfully requests that the Examiner withdraw this rejection.

Claims 6 – 18 have been added. These claims add no new matter and have full support in the disclosure of the specification and the figures of this application.

CONCLUSION

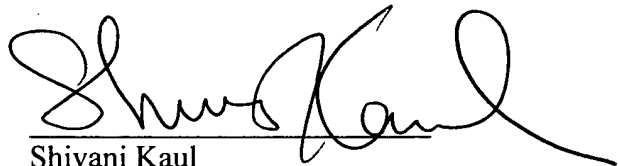
In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1 – 3 and 5 – 18 presently pending in the application are believed to be in condition for allowance and patentably distinguish over the art of record. An early notice thereof is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicant's undersigned attorney.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-0369 therefore.

Respectfully submitted,

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IN THE DRAWINGS:

A replacement sheet for Figure 4 has been attached to this Amendment.